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## CRITICISM OF THE COURTS

"would have consumed at least three days." The practice of reversing the decisions of the trial court upon technical errors is also a prolific source of delay, and not infrequently of miscarriages of justice. The doctrine of former jeopardy has injured a great many, and guilty scoundrels have often gone free. The fact is, he says, we are too much wedded to technicalities, which were proper enough centuries ago when the criminal code was barbarous in its severity, when the prisoner had no right to testify in his own behalf and when he had neither the right to counsel nor appeal. Those things have long ago passed away and with them all excuses for the technical that are now superstitiously respected. It is better, far better, he says, much as we deplore it, that now and then an innocent man should be convicted of murder than that our courts should be a by-word and a reproach.

Mr. Jones suggests the following changes in our methods of procedure: A restriction of continuances; the allowing of changes of venue only upon affidavit supported by proof; the denial of new trials, except where it is plain that there has not been a miscarriage of justice; the right of appeal on behalf of the state; the right of the state to take depositions; and the extension of the power of the judge, particularly in respect to restricting the examination of jurors on the *voir dire*, in limiting the cross-examination of witnesses and in respect to the right of commenting on questions of fact. J. W. G.

**Criticism of the Courts.**—Judge William A. Huneke, of the Superior Court of the state of Washington, in a recent address before the Bar Association of his state, dwelt upon the increasing tendency to criticize the courts because of their decisions. Among the principal reasons for which the courts are frequently criticized, he mentioned the law's delay as one of the least excusable. He admitted, however, that some of the criticism was justified. "It is true," he said, "that in many of our courts the time consumed is unnecessarily, if not flagrantly, long. These delays are not due to the fault of any single agency, but are the product of many. As a rule, too much time is permitted an adverse party to plead. Too many dilatory motions and pleas are permitted and too great strictness in pleading is required. Too much time is lost in taking testimony, in the impaneling of the jury, and in the examination of the witnesses. Another source of delay is the dilatory conduct of the attorney. Casualties are also the cause of many delays. Parties, witnesses or attorneys take sick or remove from the jurisdiction of the court. Judges, too, are sometimes to blame. Not infrequently, they hold cases under advisement too long. Sometimes they are too lax in the conduct of court business. However, it should be stated in justice to the courts, that as a rule the judges are habitually urging counsel and parties to hasten, as a result of which the judges incur the ill-will of both. J. W. G.

**New Ideas in the Administration of Justice.**—In an address before the State Bar Association of Kansas at its last annual meeting C. A. Smart, Esq., of the Ottawa (Kan.) bar, president of the association, argued for the policy of paying prisoners for their labor. "I am advised," he said, "that the penitentiary of this state during the last year shows a cash profit from the investment in that institution and the labor of its inmates. That profit ought not to go into the state treasury; it does not belong there. The profit of the labor of each prisoner should be kept separate, placed in a fund